

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caplan
Serial No.: 10/728,323
Filing Date: December 4, 2003
Title: MICROBIAL DELIVERY SYSTEM

Examiner: Huynh
Art Unit: 1644

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE UNDER 37 C.F.R. § 1.111

Responsive to the Office Action mailed January 29, 2007, Applicant respectfully requests entrance of the following Amendment and consideration of the following Remarks. The deadline for responding to the Office Action without fees was March 29, 2007. A three-month extension of time from March 31, 2007, up to and including July 29, 2007, was requested, and a Notice of Appeal was filed on Monday, July 30, 2007. Because July 29, 2007, fell on a Sunday, a response may be timely filed on the next succeeding day which is not a Saturday, Sunday, or a federal holiday under 37 C.F.R. § 1.7. Applicant thus submits that the Notice of Appeal was timely filed.

The deadline for filing an Appeal Brief without fees was September 30, 2007. A five-month extension of time from September 30, 2007, up to and including February 29, 2008, is hereby respectfully requested, and the extension fee of \$1,115.00 under 37 C.F.R. § 1.17(a) for a small entity is being paid via the U.S. Patent and Trademark Office's Electronic Filing System's credit card payment option. Applicant thus submits that the present Response and accompanying Request for Continued Examination is timely submitted on Friday, February 29, 2008.

Please amend the above-identified application as follows:

Amendments to the Specification begin on page 3 of this Response.

Amendments to the Claims begin on page 4 of this Response.

Amendments to the Drawing begin on page 6 of this Response.

Remarks begin on page 7 of this Response.

An **Appendix** including a Marked-up Copy of the Specification, a Clean Copy of the Substitute Specification, a Text Version of Sequence Listing, a Statement under 37 C.F.R. § 1.57(f), Replacement Sheets, and USPTO Search Results is attached following page 15 of this paper.